

jc923 U.S. PTO

Anticipated Classification  
of this application:

Group Art Unit: 2811

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

jc021 U.S. PTO  
09/853925

Sir:

RECEIVED  
MAY 15 2001  
OPIE/JCWS

- ☐ Continuation  
☒ Divisional

application under 37 CFR \$1.60, of pending prior application serial no. 09/563,740 filed on May 3, 2000, for Electronic Devices with Diffusion Barrier and Process for Making Same.

1. Copy of Prior Application as filed which is attached

- ☒ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified complete prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

- |           |   |
|-----------|---|
| <u>34</u> | pages of specification                    |
| <u>6</u>  | pages of claims                           |
| <u>1</u>  | pages of abstract                         |
| <u>9</u>  | sheets of drawings                        |
| <u>1</u>  | page of declaration and power of attorney |

- ✓ in accordance with the indication required by 37 CFR 60(b) my records reflect that the original signed declaration showing applicant's signature was filed on May 3, 2000.

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

- ## 2. Amendments

### 3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition to Suspend Prosecution for the time necessary to file an amendment (new application filed concurrently).

#### 4. Information Disclosure Statement

- ☐ An information disclosure statement is submitted herewith.

## 5. Fee Calculation (37 CFR 1.16)

	No. Filed	No. Extra	Rate	Basic Fee
				\$ 710.00
Total Claims	1 - 20 =	0 x	\$ 18 =	\$ .00
Independent Claims	1 - 3 =	0 x	\$ 78 =	\$ .00
[0] Multiple dependent claims			\$260 =	\$ .00

- ☒ Fee for extra claims is not being paid at this time.  
(37 CFR 1.16(d))

FILING FEE CALCULATION \$710.00

6. Small Entity Status

- ☐ A verified statement that this filing is by a small entity:
- ☐ is attached
  - ☐ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a)).

Filing Fee Calculation (50% of above) \$\_\_\_\_\_

7. Drawings

- ☒ A copy of the original information drawings is enclosed.
- ☐ Transfer the formal drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date according to this application. A duplicate copy of this request is enclosed for filing in the prior application file.
  - ☐ Transfer the following sheets of drawing from the prior application to this application  
\_\_\_\_\_.
  - ☐ A copy of the amendment canceling these sheets of drawing in the prior application is attached.
- ☐ New drawings are enclosed
- ☐ formal
  - ☐ informal

8. Priority - 35 USC 119

- ☐ Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.
- ☐ The certified copy has been filed in prior U.S. application serial no. \_\_\_\_\_ on \_\_\_\_\_.
  - ☐ The certified copy will follow.

9. Relate Back - 35 USC 120

- ☐ Amend the specification by inserting before the first line the sentence:

"This is a

☐ continuation

☒ divisional

of copending application

☒ Serial No. 09/563,740 filed on May 3, 2000.

☐ International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

10. Inventorship Statement

- (a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120 the inventors in this application are:

☒ the same

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application is deleted:

\_\_\_\_\_  
(Names of inventors to be deleted)

- (b) The inventorship for all the claims in this application are:

☐ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

11. Assignment

☒ The prior application is assigned of record to the United States of America.

☐ An assignment of the invention to the United States of America, is attached. A separate ☐ "Cover Sheet for

Assignment (Document) Accompanying New Patent Application" or ☐ Form PTO 1906 is also attached.

12. Fee Payment being made at this time

☐ Not enclosed

☐ No filing fee is submitted.

☒ Enclosed

☒ basic filing fee \$710.00

☒ recording assignment \$ 40.00  
(\$40.00 37 CFR 1.21 (h))

☐ processing and retention \$ \_\_\_\_\_  
fee (\$130.00 37 CFR 1.53  
(d) and 1.21 (1))

TOTAL fees enclosed \$750.00

13. Method of Payment of Fees

☐ Enclosed is a check in the amount of \_\_\_\_\_.

☒ Charge Deposit Account No. 50-0967 in the amount of \$750.00. A duplicate of this request is attached.

14. Authorization to Charge Additional Fees

☐ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Deposit Account No. 50-0967.

☐ 37 CFR 1.16 (a), (f) or (g) (filing fees)

☐ 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

☐ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311 (b)).

700000-000000

15. Power of Attorney

- ☒ The power of attorney in the prior application is to:  
James B. Bechtel, Esq.  
Reg. No. 29,890  
Patent Counsel, NSWC Dahlgren Division
- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ A new power has been executed and is attached.
- ☒ Address all future communications to:  
  
James B. Bechtel  
Reg. No. 29,890  
Office of Counsel (Patents) Code CD222  
Naval Surface Warfare Center  
Dahlgren Division  
Dahlgren, VA 22448-5100  
Telephone: 540-653-8061  
Facsimile: 540-653-7816

16. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.
- ☐ A copy of the petition for extension of time in the prior application is attached.

17. Conditional Petition for Extension of Time in Prior Application

- ☐ A conditional petition for extension of time is being filed in the pending parent application.
- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

18. Notification in Parent Application of the Filing of this Continuation Application

- ☐ A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC 120.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date May 8, 2001

By James B. Bechtel

Attorney for Applicants  
Naval Surface Warfare Center  
Office of Counsel (Patents) (CD222)  
17320 Dahlgren Road  
Dahlgren, VA 22448-5100  
Telephone: 540-653-8061  
Facsimile: 540-653-7816

James B. Bechtel  
Reg. No. 29,890  
Customer No. 23501

CERTIFICATE OF MAILING VIA EXPRESS MAIL

I hereby certify that this paper (along with any referred to as being attached or enclosed is being deposited with the United States Postal Service on the date shown below with sufficient postage as to be sent by Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Date: \_\_\_\_\_

\_\_\_\_\_  
Beverly D. Cook